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U.S. DISTRICT COURT, E.D.N.Y.

★ MAY 17 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NORA AGUILAR,

Plaintiff,

#05-CV-1578

(N.G.C.)

BROOKLYN OFFICE

-against-

ANGEL D. TORRES,

Defendant.

STIPULATION

Supreme Court
Kings County
Index # 6039-05

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IT IS HEREBY STIPULATED AND AGREED by and between the plaintiff,

the plaintiff's attorney, ROBERT A. LITMAN, ESQ., and the attorneys for the defendant,

DOWNING & PECK, P.C., that the amount of damages sought by the plaintiff in the above-captioned matter is under SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS; and it is further

STIPULATED AND AGREED that neither the plaintiff nor the plaintiff's attorney will seek an amount over SEVENTY-FOUR THOUSAND NINE HUNDRED NINETY-NINE (\$74,999.00) DOLLARS from either defendant, defendant's insurance company or defendant's attorneys, nor ask a Judge or jury for a sum exceeding SEVENTY-FOUR THOUSAND NINE HUNDRED NINETY-NINE (\$74,999.00) DOLLARS; and it is further

STIPULATED AND AGREED, that this case be remanded to Supreme Court, Kings County.

So Ordered

Nora Aguilar
NORA AGUILAR

Robert Litman
ROBERT A. LITMAN
Attorney for Plaintiff

John Downing
DOWNING & PECK, P.C.
Attorneys for Defendant

U.S. mg 5/11/05

LAW OFFICES

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ERNEST J. PECK
PAUL K. RYAN
WILLIAM K. KIRRANE

May 9, 2005

MAGISTRATE JUDGE JOAN AZRACK
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Nora Aguilar v. Angel D. Torres
Index No. : 05-CV-1578
Our File #: 3.1094
D/Accident: 8/15/02

Honorable Madame:

Further to our recent conference before you, I am enclosing herewith a fully executed stipulation capping plaintiff's damages to under \$75,000.00 with an acknowledgment by the plaintiff and her counsel that she is waiving any right to seek an increase in the ad damnum in the future.

Accordingly, this matter should be remanded back to State Court.

Thank you for your assistance and courtesies in this matter.

Respectfully,

DOWNING & PECK, P.C.

BY: ALISON D. METZLER

ADM/ms
Enclosure
cc: Robert A. Litman, Esq.